

Message Text

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FOLLOWING SENT ACTION SECSTATE DTD 111110Z JAN 77

QUOTE LIMITED OFFICIAL USE STOCKHOLM 100

E.O. 11652: N/A

TAGS: SOPN, SW

SUBJECT: SEPTEMBER AIR INCIDENTS

REF: STATE 4985

1. TEXT OF LETTER RECEIVED BY EMBASSY DECEMBER 28, 1976
FROM LUFTFARTSVERKET (DEPARTMENT OF CIVIL AVIATION)
REGARDING SEPTEMBER INCIDENTS FOLLOWS:

2. BEGIN TEXT. QUOTE. THE DEPARTMENT OF CIVIL AVIATION
PRESENTS HERewith THE FOLLOWING CIRCUMSTANCES AND
COMMENTS RELATING TO A FLIGHT OVER THE BALTIC SEA BY A
US MILITARY AIRCRAFT.

"ON SEPTEMBER 20, 1976 AT 14.47 GMT A JAPANESE PASSENGER
AIRCRAFT OF TYPE DC 8 REPORTED THAT AT REPORT POINT 20 E
(5718 N - 2000 E) IN AIR CORRIDOR UG 24, IT HAD BEEN
VERY CLOSE TO ANOTHER AIRCRAFT. AT THIS TIME ALTIITUDE

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HAD BEEN FL 330 (10,000 M.) AND THE JAPANESE
AIRCRAFT WAS ENROUTE FROM MOSCOW TO COPENHAGEN. WITH
THE AID OF RADAR IT WAS POSSIBLE TO DETERMINE THAT THE
OTHER AIRCRAFT IN QUESTION WAS A US MILITARY MACHINE OF
TYPE C 135 WITH THE MARKING "BIBLE 83", WHICH ACCORDING
TO THE FLIGHT SCHEDULE AT THE TIME WAS ON A VFR FLIGHT
EAST OF RONNE VOR. IT COULD ALSO BE ESTABLISHED THAT,

WITHOUT PERMISSION, THE US AIRCRAFT HAD FLOWN INTO AIR CORRIDOR 24 IN THE SWEDISH AIR INFORMATION REGION. AT 1707 GMT THE SAME C 135 WAS REPORTED ON A COLLISION COURSE WITH A FINNISH CARAVELLE MACHINE, 90 NM SOUTHWEST OF SUNNA VOR ON FL 310.

" ANNEX 11 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION IN THE CHICAGO CONVENTION PRESCRIBES THAT MEMBER NATIONS (IN ICAO) WHICH HAVE ASSUMED RESPONSIBILITY FOR UNDERTAKING AIR TRAFFIC CONTROL SERVICES IN AIRSPACE OVER INTERNATIONAL WATERS SHALL ENSURE THAT SUCH SERVICES ARE PROVIDED IN ACCORDANCE WITH THE REGULATIONS IN THE SAID ANNEX. IN CONNECTION WITH THE APPROVAL OF THE FOREWARD TO ANNEX 11, THE ICAO COUNCIL POINTS OUT THAT MEMBER NATIONS WHICH ASSUME THE ABOVE- MENTIONED RESPONSIBILITY MAY MAKE USE OF STANDARD REGULATIONS AND RECOMMENDATIONS IN ACCORDANCE WITH WHAT APPLIES IN THE TERRITORY IN QUESTION.

"ARTICLE 12 OF THE CHICAGO CONVENTION STATES I.A. THAT THE CONVENTION TRAFFIC REGULATIONS SHALL APPLY OVER INTERNATIONAL WATER AREAS, WHICH IN ITS TURN MEANS THAT ANNEX 2 OF THE SAME CONVENTION - INTERNATIONAL TRAFFIC REGULATIONS - SHALL APPLY WITHOUT MODIFICATIONS. "ACCORDING TO CURRENT INTERNATIONAL TRAFFIC REGULATIONS VFR FLIGHTS SHALL NOT BE MADE ABOVE FL 200, UNLESS PERMISSION HAS BEEN OTHERWISE GRANTED BY THE RELEVANT ATS AUTHORITY. THE DEPARTMENT OF CIVIL AVIATION, WHICH IS THE RELEVANT ATS AUTHORITY IN THE SWEDISH AIR INFORMATION REGIONS, HAS NOT ISSUED ANY SUCH GENERAL PERMISSION.

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" AIP SVERIGE RAC 1, SUBSECTIONS 2.1.3.1 AND 2.3.1, PRESCRIBES THAT AIRCRAFT FLYING IN AIR CORRIDORS WITHIN SWEDISH AIR INFORMATION REGIONS SHALL OPERATE IN ACCORDANCE WITH IFR, IRRESPECTIVE OF WEATHER CONDITIONS. DURING DAYLIGHT, HOWEVER, CERTAIN CROSSINGS OF THESE AIR CORRIDORS AT FL 200 AND BELOW ARE PERMITTED (IN EXCEPTIONAL INSTANCES WHICH ARE NOT RELEVANT HERE). SUCH CROSSINGS SHALL BE MADE WITH EXTRA CAUTION AND, IF POSSIBLE, AT AN ANGLE OF 90 DEG TO THE CORRIDOR, AND IN LEVEL FLIGHT.

" THE DEPARTMENT OF CIVIL AVIATION, WHICH IS AWARE THAT THE CHICAGO CONVENTION, AS STATED IN ITS ARTICLE 3, IS APPLICABLE ONLY TO CIVIL AIRCRAFT, WOULD REFER, MEANWHILE, TO PARAGRAPH (D) OF THAT ARTICLE. IT IS STATED HERE THAT THE NATIONS CONCERNED WHEN ISSUING REGULATION FOR THEIR STATE-OWNED AIRCRAFT SHALL GIVE DUE CONSIDERATION TO THE SAFETY DEMANDS OF CIVIL AIRCRAFT. PARAGRAPH (B) OF ARTICLE 3 CATEGORIZES MILITARY AIRCRAFT AS STATE-OWNED AIRCRAFT.

" IN TERMS OF AIR SAFETY THE DEPARTMENT OF CIVIL AVIATION
REGARDS THE INCIDENT IN QUESTION AS SERIOUS AND HEREWITH
PASSES THE MATTER ON SO THAT SUCH MEASURES AS CAN BE
REQUIRED MAY BE TAKEN. END QUOTE. END TEXT. SMITH UNQUOTE
ROBINSON

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